



## **ORDER OF DETERMINATION**

February 11, 2013

### **DATE THE DECISION ISSUED**

November 7, 2012

*WILLIAM & ROBERT CLARK v. ARTS COMMISSION (12013)*

### **FACTS OF THE CASE**

Complainant William Clark alleges that the Arts Commission and Howard Lazar ("Commission") violated section 67.21 (b) and 67.26 of the Ordinance by failing to properly respond to his request for documentation of the legal service expense charged to the Street Artist Program for the 2010-11 fiscal year amounting to \$20,396, including a breakdown in the following manner: subject matter of each time you asked the City Attorney for advice date of each time you asked the City Attorney for advice; amount of time associated with each time you asked the City Attorney for advice; name of the attorney you talked to each time you asked the City Attorney for advice?

### **COMPLAINT FILED**

On February 29, 2012, William Clark filed a complaint with the Task Force alleging a violation of sections 67.21 (b) and 67.26.

### **HEARING ON THE COMPLAINT**

On November 7, 2012, Complainant William Clark appeared before the Task Force and presented his claim. The Arts Commission's was represented by Kate Patterson.

The issue in the case is whether the Agency violated Section(s) 67.21 (b) and 67.26 of the Ordinance.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based on the testimony and evidence presented by both parties, the Task Force found the testimony of Complainant William Clark to be persuasive and finds that Sections 67.21 (b) and 67.26 to be applicable in this case. The Task Force does not find that testimony provided by Kate Patterson, Arts Commission persuasive to this case.

**DECISION AND ORDER OF DETERMINATION**

The Task Force finds that the Arts Commission violated Sections 67.21 (b) and 67.26 of the Sunshine Ordinance for failure to provide complete information as requested and failure to keep withholding to a minimum. The Task Force further finds that the Arts Commission was required by the Ordinance to request detail in its attorney billing records sufficient to identify what specific matters were worked on by the City Attorney when advising the Arts Commission on compliance with the Sunshine Ordinance. The Arts Commission shall release the records requested within 5 business days of the issuance of this Order and appear before the Compliance and Amendments Committee on February 19, 2013.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on November 7, 2012, by the following vote: (Knee/ Manneh)

Ayes: Knee, Manneh, Washburn, Hyland, Oka

Noes: Pilpel, Sims, Grant

Absent: David, Fischer



Kitt Grant, Chair  
Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney  
William Clark, Complainant  
Kate Patterson, Arts Commission, Respondent